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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,868	11/26/2003	Kunio Kato	402886	6088
23548 7590 10/11/2007 LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER PICO, ERIC E	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 10/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/721,868	Applicant(s) KATO ET AL.	
	Examiner Eric Pico	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(1-13)

2. Claim(s) 5-7 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Wittur WO Publication No. 99/16694 in view of Hiormi et al. JP Publication No. 2000-086126.

3. **Regarding claim 5**, Wittur discloses an elevator system comprising:

4. a hoisting machine disposed within a hoistway between a wall of the hoistway and a car 1, when viewed horizontally, wherein the car 1 moves vertically in the hoistway, and the hoisting machine includes a drive sheave, referred to as driving disks 7, facing the wall of the hoistway, rotating about an axis, and having respective outer dimensions along and traverse to the axis, the outer dimension along the axis being smaller than the outer dimension traverse to the axis;
5. a base member, not numbered but shown as the ground surface in Figure 2, on the bottom of the hoistway, disposed on the bottom of the hoistway;
6. a fixing member, shown as the bottom sections of guide elements 3, 4 in Figure 2, extending vertically from a bottom of the hoistway;

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7. a mount member, referred to as mounting frame 6, the mount member 6 being fastened to the fixing member; and

8. a securing member referred to as screws 11, located on the fixing member 3, 4 between the base member and the mount member 6, proximate the mount member 5.

9. Wittur is silent concerning the securing member secured to the wall of the hoistway.

10. Hiormi et al. teaches a securing member, referred to as supporting fitting 11, being secured to the wall of the hoistway.

11. It would have been obvious to one of ordinary skill in the art at the time of the invention to secure the securing member disclosed by Wittur to the wall of the hoistway as taught by Hiormi et al. to facilitate securing and supporting the hoisting machine.

12. **Regarding claim 6**, Wittur discloses a mount member 8.

13. Wittur is silent concerning the mount member having a hollow square shape and includes support sections for supporting the hoisting machine, the support sections being located at the upper portion and at a lower portion of the mount member.

14. Hiormi et al. teaches a mount member, referred to as apparatus foundation frame 10 comprised of elements 10a, 10b, 10c, 10d, having a hollow square shape and includes support sections, referred to as apparatus foundation 10a and reinforcing member 10d, for supporting the hoisting machine, the support sections being located at the upper portion and at a lower portion of the mount member.

15. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the mount member disclosed Wittur have a hollow square shape and

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support sections taught by Hiormi et al. to facilitate mounting and support of the hoisting machine.

16. **Regarding claim 7**, Wittur discloses the mount member 6 is attached to the upper portion of the fixing member, shown as the bottom sections of guide elements 3, 4 in Figure 2, extends upright from a base member, not numbered but shown as the ground in Figure 2, on the bottom of the hoistway, and the base member s provided for standing elevator rails 3, 4, by means of the lower sections of guide rails 3, 4.

17. **Regarding claim 11**, Wittur discloses an elevator system comprising:

18. a hoisting machine, comprised of driving disk 7, disposed within a hoistway that has a floor and walls, the hoisting machine being located between a wall of the hoistway and a car 1, shown in Figures 3-5, wherein the car 1 moves vertically in the hoistway, and the hoisting machine includes a drive sheave 7 facing the wall of the hoistway, shown in Figures 3-5;

19. a base member, not numbered but shown as the ground surface in Figure 2, on and supported by the floor, not numbered but shown below the ground surface in Figure 2, of the hoistway;

20. a mount member 6 supporting the hoisting machine;

21. a fixing member, shown as the bottom sections of guide elements 3, 4 in Figure 2, extending vertically within the hoistway between and fastened to the base member and the mount member 6; and

22. a securing member 11 fastened to the fixing member proximate the mount member 6.

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23. Wittur is silent concerning a securing member fastened to the wall of the hoistway.

24. Hiormi et al. teaches securing member, referred to as supporting fitting 11, and fastened to the wall of the hoistway

25. It would have been obvious to one of ordinary skill in the art at the time of the invention to secure the securing member disclosed by Wittur to the wall of the hoistway as taught by Hiormi et al. to facilitate securing and supporting the hoisting machine.

26. **Regarding claim 12**, Wittur is silent concerning the mount member includes a rectangular frame having support sections for supporting the hoisting machine at upper and lower portions of the mount member.

27. Hiormi et al. teaches mount member, referred to as apparatus foundation frame 10 comprised of elements 10a, 10b, 10c, 10d, includes a rectangular frame having support sections, referred to as apparatus foundation 10a and reinforcing member 10d, for supporting the hoisting machine at upper and lower portions of the mount member

28. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the mount member disclosed by Wittur a rectangular frame having support sections as taught by Hiormi et al. to facilitate mounting and support of the hoisting machine.

29. **Regarding claim 13**, Wittur discloses the mount member 6 extends upright from the fixing member, shown as the bottom sections of guide elements 3, 4 in Figure 2.

Response to Arguments

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30. Applicant's arguments filed 07/30/2007 have been fully considered but they are not persuasive.

31. In response to applicant's argument that "there is no base member in Wittur" and "The claim language makes plainly apparent that the two elements, namely the claimed base member and the unclaimed bottom of the hoistway, are distinct because the base member and the ground are separately described in claim 1" Wittur discloses a base member being the surface of the hoistway disposed on the bottom of the hoistway. Wittur discloses in Fig. 2 a base member being the surface of the bottom of the hoistway denoted by a solid horizontal line on and supported by the floor of the hoistway denoted by shaded area below the base member.

32. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the securing member is below the hoisting machine) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

33. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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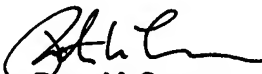
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP


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